REMARKS

This Application has been carefully reviewed in light of the Official Action dated January 12, 2006. In order to advance prosecution of this Application, Claims 1-3, 6, 11, and 15 have been amended. Applicant respectfully requests reconsideration and favorable action for this Application.

Claims 1-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Doshi, et al. in view of Forin and further in view of Jones. Independent Claims 1 and 6 recite in general an ability to send a first data packet of a packet flow over a selected one of a plurality of channels and send a second data packet in the packet flow over a different one of the plurality of channels. By contrast, the Doshi, et al. patent discloses only a single communication path 121 for transmission of packets. The Doshi, et al. patent merely discloses that the single communication path 121 may be a tandem transmit path 121 and receive path 122. Accordingly, the Doshi, et al. patent only supports the capability of having intermediate packet switches interconnected by data links along communication path 121 and in tandem along communication path 122. Thus, there is no disclosure in the Doshi, et al. patent that supports a capability to send a data packet over a selected one of a plurality of channels and send a subsequent data packet over a different one of the plurality of channels as required in the claimed invention. Moreover, the Forin patent does not include any additional material to offset the deficiencies of the Doshi, et al. patent. The Examiner attempts to overcome the deficiencies of the Doshi, et al. and Forin patents by citing the Jones patent in combination therewith. However, the Jones patent merely discloses receiving credit packets for specific virtual channels. There is no disclosure in the Jones patent that

allows its transmitter to select one of a plurality of channels for transmission of a second packet in a packet flow different than one of the plurality of channels used to transmit a first data packet of the packet flow. The system of the Jones patent only knows that it can send out a packet from a buffer associated with a virtual channel when it receives a credit for that virtual channel. Independent Claims 11 and 15 recite in general the ability to receive a plurality of data packets in a non-sequential order over different ones of a plurality of channels. By contrast, as noted above, the Doshi, et al. patent receives all packets over the same communication path 122. Moreover, the Doshi, et al. patent transmits packets out in a sequential order for receipt over the communication path 122. Because all packets are transmitted over the same path, the receiver of the Doshi, et al. patent receives packets in sequential order but only stores those packets that are valid in its buffer. Invalid packets would need to be retransmitted. Thus, the Doshi, et al. patent is not able to receive packets in a non-sequential order transmitted over a plurality of channels as required by the claimed invention. Moreover, the Forin patent does not include any additional material to offset the deficiencies of the Doshi, et al. patent. As stated above, the Jones patent has no disclosure that data packets for a packet flow can be transmitted over different virtual channels. Therefore, Applicant respectfully submits that Claims 1-18 are patentably distinct from the proposed Doshi, et al. - Forin - Jones combination.

CONCLUSION

Applicant has now made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

The Commissioner is hereby authorized to charge any amount required or credit any overpayment associated with this Application to Deposit Account No. 02-0378 of BAKER BOTTS L.L.P.

Respectfully submitted,

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